

REMARKS

Claims 10 to 22 are pending in the present application.

The Examiner requires restriction to one of the following inventions:

Species A: claims 10 to 14 and 18 to 20; and

Species B: claims 10, 11, 15 to 18, 21, and 22.

While Applicants do not agree with the merits of this restriction requirement for the reasons explained below, *Applicants elect with traverse Species B*, corresponding to claims 10, 11, 15 to 18, 21, and 22.

Applicants traverse the requirement of restriction for the following reason.

The Examiner asserts that U.S. Patent No. 4,728,411 (“the Mase reference”) discloses all of the features of the independent claim, so that the features of the independent claim are not a common special technical feature of all of the claims. Applicants respectfully disagree.

Independent claim 10 requires that “the first electrode forms, together with the reference electrode and the solid electrolyte, a concentration cell.” This is not merely recitation of an intended use, but rather refers to a present structure of the first electrode, reference electrode, and solid electrolyte structured so as to presently form a concentration cell, which structure the Mase reference does not disclose. In this regard, the Office Action refers to the outer pumping electrode 12 of the Mase reference as assertedly disclosing the first electrode of claim 1, to the reference electrode 32 of the Mase reference as assertedly disclosing the reference electrode of claim 1, and to the solid electrolyte body 26 of the Mase reference as assertedly disclosing solid electrolyte of claim 1. However, the electrodes 12 and 32 of the Mase reference are separated by insulation layer 14 (made of alumina or other ceramic materials), and therefore cannot form a concentration cell.

Accordingly, at least this feature of claim 10 is a special technical feature common to all of the claims, so that there is unity of invention between all of the presently pending claims.

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Reply to Office Action of June 16, 2010

For all of the foregoing reasons, the Office Action fails to establish lack of unity of invention.

Applicants respectfully request an early and favorable action on the merits.

Respectfully submitted,

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